



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NCR Docket No. 9378

In re Application of:

John D. Frazier, et al.

Group Art Unit: 3671

Application No.: 09/943,708

Examiner: Pezzuto, Robert Eric

Filed: 8/31/2001

For: IMPROVING CUSTOMER SATISFACTION THROUGH CUSTOMER
IDENTIFICATION AND SERVICE-TIME MEASUREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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GROUP 3600

REPLY TO NOTICE OF ABANDONMENT DATED APRIL 5, 2004

This is a reply to the Office's holding of abandonment in this application. The holding of abandonment resulted from an alleged failure to timely file a proper reply to the Office action dated July 29, 2003. Applicant believes that this holding is in error and asks the Office to: 1) reconsider the holding of abandonment in view of the information presented below, 2) withdraw the holding of abandonment, 3) revive this application, 4) enter Applicant's original reply to the Office action, as shown in Appendix A, which included a provision for a three-month extension and authorization to charge Applicant's deposit account, 5) hold the reply to be timely filed, and 6) reconsider this application in view of the reply.

09/943,708

CERTIFICATE OF MAILING
I hereby certify that this correspondence is
being deposited with the United States Postal
Service as first class mail in an envelope
addressed to the Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313, on
4-22-04
Date Sallie Spicer
Sallie Spicer

REMARKS

On April 5, 2004, the Office sent a Notice of Abandonment stating that no reply had been received for the Office action dated July 29, 2003, in this application. Applicant believes that the basis for this holding of abandonment is in error, as Applicant did file a timely reply to the Office action. That reply was filed on January 27, 2004, and included a provision for a three-month extension of time, along with authorization to charge the appropriate fee to Applicant's deposit account. Applicant filed the reply in accordance with the first-class mailing procedure set forth in 37 CFR § 1.8 and included a return postcard identifying both the application and the reply being filed. The documents were sealed inside an envelope, which was then placed inside another envelope that was properly addressed to the USPTO and deposited with the U.S. Postal Service, with sufficient postage, as first class mail on January 27, 2004 (see Appendix C). The Certificate of Mailing was printed on the front page of each document and was dated January 27, 2004 and signed by Sallie Spicer (see Appendix A). The return postcard was returned to Applicant by mail and bears an OIPE stamp showing that the Office received the reply on January 29, 2004 (see Appendix B).

This evidence shows that Applicant did indeed timely file the reply, mailing the reply to the Office within the six-month period for reply and authorizing the Office to charge to Applicant's deposit account the fee for a three-month extension of time. Applicant is submitting with this paper (as Appendix A) a copy of the reply as filed in January. Applicant therefore asks that the Notice of Abandonment be withdrawn and that the application be revived.

ATTACHMENTS TO THIS REPLY

Appendix A - Contains a copy of Applicant's original reply to the Office action dated July 29, 2003 and mailed to the Office on January 27, 2004.

Appendix B - Contains a copy of the Return Postcard showing an OIPE received date of January 29, 2004.

Appendix C - Contains a copy of the first class envelope mailed to the USPTO containing the reply to the Office action.

CONCLUSION

The Office's holding of abandonment for this application is in error. Applicant did indeed timely file a reply to the Office action dated July 29, 2003. Applicant asks the Office to: 1) reconsider the holding of abandonment in view of the information presented above, 2) withdraw the holding of abandonment, 3) revive this application, 4) enter Applicant's original reply to the Office action as shown in Appendix A, which included a provision for a three-month extension of time, 5) hold the reply to be timely filed, and 6) reconsider this application in view of the reply. Please apply any charges that might be due, excepting the issue fee but including fees for extensions of time, to deposit account 50-1673.

Respectfully,



Harden E. Stevens, III
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**Appendix A - Copy of Applicant's Original Reply to the Office action Dated
July 29, 2003**